

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Aracelly Mena Dominguez,

Sealed No. 18-1594 (DWF/DTS)

Plaintiff,

FILED UNDER SEAL

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Family Court Dist. 4 and
Scott T. Dewey,

Defendants.

The above matter comes before the Court upon *Pro Se* Plaintiff Aracelly Mena Dominguez's self-styled objections (Doc. No. 8) to Magistrate Judge David T. Schultz's August 15, 2018 Report and Recommendation (Doc. No. 7) insofar as it recommends that: (1) this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B); (2) Plaintiff's application to proceed *in forma pauperis* be denied; (3) Plaintiff's motion to seal case be denied; (4) this matter be unsealed; (5) Plaintiff's motion to seal the statement of the case be granted; and (6) Doc. Nos. 1 & 2 and all exhibits to those entries be restricted with access available only to the parties and the Court.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In the Report and Recommendation, Magistrate Judge Schultz concluded that while Plaintiff qualifies financially for IFP status, her complaint fails to state a cause of action upon which relief may be granted. In particular, the Magistrate Judge explained that Plaintiff's

constitutional claims seeking to vacate orders entered in state child-custody proceedings based on the alleged perjury of Defendant Scott T. Dewey fail because nothing in the complaint suggests that Dewey participated in joint activity with the State under 42 U.S.C. § 1983. In addition, the Magistrate Judge concluded that Plaintiff's request that any appeal from the state-court proceedings be heard in federal court is foreclosed by the *Rooker-Feldman* doctrine. In addition, the Magistrate Judge recommended that this action be unsealed, while Doc. Nos. 1 & 2 remain restricted to the parties and the Court.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). After carefully considering Plaintiff's objections, the Court finds no reason that would warrant a departure from the Magistrate Judge's recommendation. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised, the Court hereby enters the following:

ORDER

1. Magistrate Judge David T. Schultz's August 15, 2018 Report and Recommendation (Doc. No. [7]) is **ADOPTED**.
2. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B).
3. Plaintiff Aracelly Mena Dominguez's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.

4. Plaintiff Aracelly Mena Dominguez's motion to seal case (Doc. No. [3]) is **DENIED**.

5. This matter is **UNSEALED**.

6. Plaintiff Aracelly Mena Dominguez's motion to seal the statement of the case (Doc. No. [4]) is **GRANTED**.

7. ECF Docket Numbers 1 and 2 and all exhibits to those entries shall be restricted with access available only to the parties and the Court.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 9, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge